

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

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AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 15-1034 and 15-CA-1045 2. DATE DOCKETED: 02-13-2015
3. CASE NAME (lead parties only) Heartland Plymouth Court MI v. NLRB
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
If YES, cite statute _____
6. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: National Labor Relations Board
- b. Give agency docket or order number(s): 362 NLRB No. 3 and 359 NLRB No. 155
- c. Give date(s) of order(s): January 29, 2015, adopting decision dated July 15, 2013
- d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No
If so, when was it filed? _____ By whom? _____
Has the agency acted? ☐ Yes ☐ No If so, when? _____
- e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See Attachment A
- f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☐ Yes ☒ No If YES, identify case name(s), docket number(s), and court(s) _____
- g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☐ Yes ☒ No If YES, give case name(s) and number(s) of these cases and identify court/agency: _____
- h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature  Date 03-18-2015

Name of Counsel for Appellant/Petitioner Charles P. Roberts III

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

ATTACHMENT A
STATEMENT OF STANDING

Heartland Plymouth Court MI, LLC, d/b/a Heartland Health Care Center – Plymouth Court (“Heartland”) is an employer within the meaning of Section 2(2) of the National Labor Relations Act, 29 U.S.C. § 152(2). The National Labor Relations Board’s General Counsel issued a complaint alleging that Heartland had violated Sections 8(a)(1) and (5) of the Act, 29 U.S.C. §§158(a)(1) and (5), by failing to bargain over the effects of a decision to reduce the hours of its dietary employees. On January 29, 2015, the Board issued a final order finding that Heartland had violated Sections 8(a)(1) and (5) of the Act. The Board’s order directs that Heartland cease and desist from such conduct, post a Notice to Employees, bargain with the Union, and provide limited backpay to affected employees. Heartland is an “aggrieved” party within the meaning of Section 10(f) of the Act, 29 U.S.C. § 160(f), and has standing under that section to seek review of the Board’s final order in this court.

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of this DOCKETING STATEMENT on the following entities, who were respondents or participants in the agency proceeding below, by serving same on their respective counsel of record via United States Postal Service, First Class Mail to:

National Labor Relations Board: Linda Dreeben
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This the 18th day of March 2015

/s/ Charles P. Roberts III